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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,275	12/22/2005	Gerardus Rudolph Langereis	NL030733	6570

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EXAMINER

CHOW, LIXI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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08/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,275	Applicant(s) LANGEREIS ET AL.	
	Examiner Lixi Chow	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/02/08 has been entered.

Claim Objections

2. Claim 11 is objected to because of the following informalities: on line 11, the word “and” should be added after the word “reference”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6, 11, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Furumiya et al. (WO00/28535; hereafter Furumiya; please refer to US 6,791,926).

Regarding claim 1:

Furumiya discloses a method of determining an optimum set of write parameters for a laser device for writing to an optical storage medium, the method comprising acts of:

defining a test region, of the optical storage medium (see col. 3, lines 36-49);

using a laser device having an operating, set of write parameters, writing a reference data pattern using a reference set of write parameters of the laser device to the test region (see col. 3, lines 46-49; the standard recording pulse parameters corresponds to the reference set of write parameters), and a measurement data pattern using a measurement set of write parameters of the laser device to the test region (see col. 3, lines 55-57);

measuring jitter values for the reference and measurement data patterns (see col. 3, lines 49-50 and col. 3, lines 58-59); and

selecting an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon the measured reference and measurement jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium (see col. 3, lines 60-62).

Regarding claim 2:

Furumiya discloses the method as claimed in claim 1, wherein each set of write parameters includes a power level of the laser device (it is inherent that the each of the write parameters of Furumiya includes a power level of the laser device).

Regarding claim 6:

Furumiya discloses the method as claimed in claim 2, wherein the power level of the laser device over the writing of the reference data pattern is fixed (since Furumiya does not show varying the power level during trial recording, then it is reasonable to conclude that writing of the reference data pattern is with the fixed power level).

Regarding claims 11, 12 and 16:

Claims 11, 12 and 16 recite similar limitations as claims 1, 2 and 6; hence, they are rejected under the same reason set forth in claims 1, 2 and 6. Fig. 1 of Furumiya shows an apparatus for determining the optimum power level according to method recited in claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furumiya in view of Okubo et al. (US 2003/0147321; hereafter Okubo).

Regarding claims 3-5:

Furumiya discloses all the features in claims 1 and 2. Although Furumiya discloses that multiple power level may be adopted, but Furumiya fails to disclose whether during the test recording that the power level of the laser device varies over the writing of the measurement data pattern.

On the other hand, Okubo discloses a method of determining an optimum set of write parameters for a laser device for writing to an optical storage medium, the method comprising:

writing at least one measurement data pattern using a set write parameters of the laser device to a test region on the optical storage medium (see Fig. 2), wherein the set of write parameter includes a power level of the laser device, and wherein the power level of the laser device varies over the writing of the measurement data pattern (see Fig. 3),

wherein the power level of the laser device rises from a minimum level to a maximum level over the writing of the measurement data pattern (see Fig. 3a; pw1 is the minimum level and pw3 is the maximum level),

wherein the power level of the laser device rises in discrete steps over the writing of the measurement data pattern (see Fig. 3a).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Furumiya by varying the power level of the laser device during the writing of the measurement data pattern. One of ordinary skill in the art would have been motivated to do this because optimum recording power can be quickly determined by using a small test region (see par. [0066]).

Regarding claims 13-15:

Claims 13-15 recite similar limitations as claims 3-5; hence, claims they are rejected under the same reason set forth in claims 3-5.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furumiya in view of Kobayashi (US 6,181,659).

Regarding claims 7 and 17:

Furumiya discloses all the features in claim 1; however, Furumiya fails to disclose whether the measured jitter values related to an average of jitter values.

On the other hand, Kobayashi discloses a method for determining an optimum set of write parameters for a laser device for writing to an optical storage medium, the method comprising: measuring a jitter values relate to an average of jitter values of the data patterns (see col. 9, lines 41-49).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Furumiya to measure the average of jitter values of the measurement and reference data pattern. On of ordinary skill in the art would have been motivated to do this because it improves the measurement accuracy of jitter (see col. 9, lines 47-49).

8. Claims 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furumiya in view of Sloan et al. (US 6,252,731; hereafter Sloan).

Regarding claims 8-10:

Furumiya discloses all the features in claim 1; however, Furumiya fails to disclose whether the test data patterns are recording on single or consecutive tracks of the disc.

On the other hand, it is well known in the art to perform test recording at a designated track or designated consecutive/neighboring tracks. For example, Sloan discloses that test recording can be performed on one or more tracks (see col. 2, lines 31-39; the number of tracks needed for test recording obviously depends from length of test data pattern and number of times the test recording is performed).

Therefore, it would have been obvious to a person of ordinary skill in the art to provide either a single track or consecutive/neighboring tracks for test recording, since it is well known in the art that having single track for test recording allows user to record more user related data, and having multiple tracks for test recording allows more accurate determination of optimum write parameters.

Regarding claims 18-20:

Claims 18-20 recite similar limitations as claims 8-10; hence, claims 18-20 are rejected under the same reason set forth in claims 8-10.

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koishi et al. (US 6,611,481), Roh et al. (US 7,170,835) and Morishima (US 2003/0035355).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TAN Xuan DINH/
Primary Examiner, Art Unit 2627
August 27, 2008

/Lixi Chow/
8/25/08